

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed February 12, 2004. Applicant has cancelled claims 3 and 15, and amended claims 1, 2, 4, 13, 14, 16, and 20. Applicant submits that no new matter has been added by these amendments. Consequently, claims 1, 2, 4-14 and 16-20 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

Specification Objections

The abstract of the disclosure stands objected to because the first paragraph of the specification references a provisional application to which Applicant has not been granted priority. Applicant has amended the specification to remove the reference to the provisional application. Applicant submits no new matter has been added by this amendment. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-5, 7, 9-16 and 20 stand rejected as unpatentable over U.S. Patent No. 5,864,854 ("Boyle") in view of U.S. Patent No. 5,944,780 ("Chase"), while claims 6, 8 and 17-19 are rejected over Boyle and Chase, and further in view of U.S. Patent No. 6,219,669 B1 ("Haff"). As stated by the Examiner, the language of claims 13-20 is substantially the same as previously rejected claims 1-12. Therefore, claims 13-20 stand rejected on same rationale as previously rejected claims 1-12. Applicant respectfully traverses these rejections.

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations. The Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness as the Examiner has not shown that each of the claim limitations is present in the references.

Claims 1, 13 and 20 recite directing a first software agent and at least one additional software agent to establish a direct connection between the first user's and one of the additional user's computing systems when files are to be shared between the first user's and one of the additional user's computing systems, wherein directing the first software agent and

the additional software agent is based on at least one criterion. Thus, an agent server process a request for a file from one software agent and determines which of the additional software agents is the best agent with which to establish a connection to transfer the appropriate file. This determination is based on one or more criterion, which may include country codes, connection speed, firewall types, load etc. The agent server then direct or orchestrates the file transfer between the two agents through a series of instructions, including directing the two software agents to establish a direct connection linking the two computer systems between which files are to be shared.

In contrast, Boyle discloses a method for maintaining a shared cache lookup table for a group cache. While this table may be centralized in a server, in the preferred embodiment the table is distributed among a group of clients. (Col. 2, Line 12-14, Col. 3, Lines 32-35) When a client wishes to retrieve a file, it first looks for an entry corresponding to the file in its local cache lookup table. If there is no entry for this file in the local cache lookup table, the client next looks at a shared cache lookup table. If there is more than one identifier in the shared cache lookup table corresponding to the requested file, the client that initiated the request uses a selection algorithm implemented in the client's operating system or application program to select another client from which to retrieve the file. The initiating client may make this selection based on a retrieval efficiency table maintained by the client. Once a client is selected, the data may be retrieved from this client by the initiating client. (Col 6, Lines 29-50, Col. 4, 24-36)

Applicant respectfully points out that many differences exist in these two methodologies. First and foremost, while the shared cache lookup table of Boyle may be stored in a central server, this server is completely passive, only holding the shared cache lookup table for potential access from a client, and neither evaluating this shared lookup table nor taking any role in the eventual data transfer. In fact, this must be the case, as in preferred embodiments this shared lookup table is not contained in a central server, but instead is distributed among the various clients. In contrast, the agent server of claims 1, 13 and 20 takes an active role in the exchange of files between two computing systems by evaluating the request of one software agent in the context of other software agents to determine the best agent with which to establish a connection and transfer the file. This evaluation may take into account one or more criteria associated with the agents in question. Furthermore, this agent server actually orchestrates the transfer of a file between two software agents through a series of instructions to these agents.

This brings up a second difference, in the system of Boyle once a client selects another client from which to retrieve a desired data item, the initiating client retrieves this data item from the selected client. Thus in Boyle, the initiating client must always retrieve the desired data item from the selected client. (Col. 6, Lines 45-50) In contrast, the agent server of claims 1, 13 and 20 allows the file to be shared in a wide variety of different ways, including allowing a selected software agent to send a requested file directly to a requesting software agent, without any intervening action on the part of the requesting agent. Because the server agent is orchestrating the file transfer and directing the software agents involved, any of the software agents involved may be designated as active or passive agents, allowing security to be maintained, and allowing file transfers to and from computing systems that exist behind firewalls.

Therefore, because the shared cache lookup table of Boyle is a passive entity which does not enable the orchestration of a file transfer by instructing two software agents, and the shared cache lookup table of Boyle allows only an initiating client to retrieve a desired file from another client, the shared cache lookup table cannot function as the agent server of claims 1, 13 and 20, which actively instructs software agents to orchestrate a file transfer between agents, any of which may send or retrieve the file. Consequently, Applicant respectfully submits that the Examiner has failed to point out the disclosure of each of the limitations in the references, namely the agent server of claims 1, 13 and 20, and the rejection of these claims cannot stand. Accordingly, withdrawal of this rejection is respectfully requested.

As claims 2, 4-12, 14 and 16-19 depend from independent claims 1 and 13 respectively, Applicant believes that the above arguments apply equally well to these claims. Hence, withdrawal of the rejection of claims 2, 4-12, 14 and 16-19 is requested as well.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 1, 2, 4-14 and 16-20. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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